

BOARD OF DIRECTORS – ACTION SUMMARY

Wednesday, May 24, 2006 – 6:00 p.m.

**Administration Building
2101 Hurley Way, Sacramento, CA**

CALL TO ORDER

The meeting was called to order by President Engellenner. Board Members present: Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Director Goold, absent. Staff: Fire Chief Mette, General Counsel Margarita, Board Clerk Tilson.

PLEDGE TO FLAG

METRO CABLE 14 ANNOUNCEMENT

The open session Meeting is videotaped for cablecast on Metro Cable 14. Replay on Saturday, May 27 at 1:00 p.m. and Monday, May 29 at 6:00 p.m. on Channel 14; Webcast at www.sacmetro cable.tv. A VHS copy is also available for checkout from any library branch.

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA

- Trish Harrington was sorry about what transpired last Friday and does not condone the actions of these two people, but hoped there would be a realization of what the community has lost due to the severity of the punishment. She stated that the department is on notice that anyone partaking in such behavior must be dealt with in the same manner or it is considered discriminatory.
- Rex Womack expressed concern with entry/exit ways into projects such as the one outlined in the plan he distributed for 5555 Mariposa Avenue, Citrus Heights, with 56 homes and only one entry/exit. He felt it was the responsibility of the Fire District to look at these and approve or disapprove. He also distributed his March 20 e-mail to the Board and stated no response was received.

President Engellenner stated he would receive a response within 48 hours by mail.

- Brian Rice, President of Sacramento Fire Fighters Local 522, spoke on behalf of the firefighters in support of the action taken by the District. He stated we can't have any employee tarnish our image or our position in the community and that kind of behavior will not be tolerated. A Company Officer is held to a higher standard of discipline and the District did the right thing.

On a different note, several months ago Captain Walt White started a certification project with the National Fire Academy for his Chief Fire Officers, which was published. An Ethics Statement is the last piece to remove any question on the meaning of ethical behavior. He requested the Fire Chief and General Counsel be allowed to work on the legal review before it is presented to the Local 522 membership for approval.

President Engellenner stated he would meet with the Fire Chief and General Counsel after tonight's meeting and get back to him.

CONSENT AGENDA:

1. Board Meeting Action Summary—May 10, 2006

- **Board Action:**
Kelly/Trujillo—approve the Consent item. Directors Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Duveneck, abstain. Director Goold, absent. Motion carried.

2. Travel and Conference Expense Claim – Director Granados

- **Board Action:**
Kelly/Trujillo—approve the Consent item. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.

ACTION ITEM(S)

1. Policy – Penalty for Unauthorized Disclosure of Confidential Information From Closed Session Meetings—(Margarita)

- The policy basically adopts Government Code Section 54963 in its entirety.
- In addition, the following is further adopted as policy:

“Furthermore, any and all documents that are disseminated by the Board Clerk in closed session shall be contained in a sealed manila envelope, numbered by the Board Clerk. At the end of the Closed Session, each person, present in the authorized closed session, shall return their copy of the document(s) in their numbered manila envelope to the Board Clerk.

The willful and intentional failure to return the numbered sealed manila envelope to the Board Clerk at the termination of the closed session shall result in a public censure by the Board President, in the open meeting, on the same date. Such public censure shall identify the name of the person(s) that willfully and intentionally failed to return the document(s) and sealed numbered manila envelope to the Board Clerk, and the fact that said person(s) removed confidential written documents from a Closed Session of the Sacramento Metropolitan Fire District Board."

- Director Duveneck noted that at the Policy Committee meeting of April 26, Counsel stated that a director is not precluded from taking documents home with further clarification that taking information out is not a disclosure; publication or release of the information constitutes disclosure. It now states there will be nothing taken out and felt there was a contradiction in terms.

Counsel Margarita stated there is no contradiction. As directed, the policy includes a method to preclude removal of documents from occurring in the future in response to Director Lawson.

- Directors Jones and Duveneck felt broader discussion and a more comprehensive policy is needed on disclosure of confidential information.
- **Board Action:**
Trujillo/Granados—adopt the policy. Directors Engellenner, Granados, Kelly, Lawson, Trujillo, Valley, AYE. Directors Duveneck and Jones, NO. Director Goold, absent. Motion carried.

2. Facilities Manager Job Description—(Junn)

- The Policy Committee adopted the job description by a unanimous vote.
- The District is in a position to fill a vacant position due to the departure of the Facilities Manager. As practice, the job description is reviewed for update.
- On May 10, 2006, staff and members of the Transition Team assigned in the Facilities Division reviewed the job description with changes:
 - Job title changed from Facilities Supervisor to *Facilities Manager*.
 - Under Minimum Qualifications:
Education - ~~College level education~~ changed to *Bachelor's degree in Engineering, Construction Management or closely related field*, or training that is directly related to the required knowledge and abilities are desirable.

Experience – Five years of experience in the administration of contracts for building commercial alteration, major maintenance and/or construction.

Ability to:

- Supervise, train and evaluate direct a small assigned staff performing journey level trades work.

Added:

- *Perform the full range of building maintenance duties as required.*
- *Operate the full range of equipment and tools related to building maintenance.*
- *Provide technical advice to subordinate personnel in solving difficult problems or assignments.*

- Staff recommends adoption of the Facilities Manager job description with changes.
- In response to Director Lawson, Counsel Margarita stated the bidding process requires bids on remodels and construction over \$10,000, and anything over \$35,000.

Currently revising our policies, which will reflect an increase in the number of bids presented to the Board for approval of bid award; mainly larger items such as station construction, engines, etc.

Counsel Margarita recommended continuation of the current policy. Anything required to go out to bid legally per District policy and the law will be brought to the Board. The policy can then be changed if the Board desires.

- In response to Director Kelly, Ms. Junn stated the bachelor's degree is a desirable but not a minimum qualification.
- There will be no adverse impact to current facilities employees due to the changes.
- Director Granados stated the Project Manager is leaving at the same time and inquired about the possibility of combining both positions.

Fire Chief Mette stated he will look at this and bring it back at the next Board meeting.

- **Board Action:**
Kelly/Jones—approve the staff recommendation for the Facilities Manager job description. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.

3. Bid Award – Station Turnout Lockers—(Ritter)

- A two-page staff report was submitted for the purchase of 182 station turnout lockers to replace those in Stations 21, 24, 41, 55, 62, 65, 101, 102, and 105.

The successful bidder will be required to assemble the lockers at the district facilities.

Field input was received on the design of the lockers.

- In response to the advertised Request for Bids, the following were received:

Warrens Eq.	\$ 52,510.00
W. G. Evans Company, Inc.	\$ 50,588.63

- Staff recommends the Board authorize the purchase of station turnout lockers from W. G. Evans Company, Inc. for \$50,588.63. The Facilities staff has confirmed that W. G. Evans Company, Inc. has no relationship to any current or past District employee.

- **Board Action:**

Granados/Kelly—approve the staff recommendation. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.

4. Resolution No. 29-06 – Surplus Vehicle Designation—(Ritter)

- A two-page staff report with attachments was submitted requesting authorization to declare 15 vehicles as surplus following a modification to delete vehicle #00628, a 1998 Horton Ambulance, to be used through the Community Services Division to expand the Community Emergency Response Team (CERT) Program.
- On September 28, 2005, the Board declared another 11 vehicles surplus. At that time, Director Granados recommended the District go through the Fire Aid Program to aid the fire agencies devastated by Hurricane Katrina. The Fleet Manager has been working on that since that time but there have been no takers.
- Staff recommended the Board adopt the Resolution establishing the list of 15 surplus vehicles. Once approved, steps will be taken to sell/donate the vehicles as deemed appropriate by the Fire Chief.

- **Board Action:**
Trujillo/Granados—adopt the Resolution. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.

5. Pilot Dozer Operations Program for Wildland Fires—(Mette/Latta)

- A two-page staff report with an attachment was submitted.
- Deputy Chief Latta stated this is a proposal to place into service the “pilot” Dozer Operations Program for the 2006 wildland season. The unit will be leased to allow the District to evaluate the program for a minimum of one wildland season without the expenditure commitment of purchasing the dozer, truck and trailer. He introduced Dominic Moreno and Rich Stapp who put the program together.
- Firefighter Moreno gave a PowerPoint presentation illustrating the proposed dozer equipment and demonstrating its capabilities. Outlined the program:
 - Actual vegetation fires totaled 1,259 with 47% occurring in B-9 and B-14, which covers 115,000 acres with some difficult terrain.
 - Proposed staffing of two operators on four/ten days during the summer, overlapping on Wednesdays. Operators will be replaced on shift with overtime personnel.
 - The rental cost of the program is \$46,936 from three different vendors for the dozer, truck, and trailer. The total cost of the pilot program including cost of personnel and fuel is estimated at \$165,386.
 - In-house training during the first week of June at Aerojet, with individual Battalion information drills and a wildland drill for 9 days, 18 sessions. Thanked Aerojet for allowing the District to use their site for training.
 - The proposed location for the pilot program is Station 58 at Sloughhouse Road.
 - All scheduled maintenance will be provided by the suppliers.
 - Safety equipment will include fire curtains as part of the cost and full protective clothing and fire shelter.

- Question and answer period.
 - Part of the pilot dozer program is to determine how many personnel this will relieve. Need to establish some statistics.

Director Trujillo stated he would be interested in the numbers.
 - The program will be operational mid-June.
 - The District adheres to the recognized training standard. In light of the experience level of the two operators, Counsel Margarita saw no problem relative to liability.
- **Board Action:**
Jones/Lawson—approve the staff recommendation. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.
- Deputy Chief Latta applauded the efforts of Dominic Moreno and Rich Stapp on this operation.
- Rich Stapp thanked the Board of Directors, Fire Chief Mette, Chief Staff supporting officers, the crew at Station 63 and Captain Tom Stuart, Dominic Moreno, Mark Stewart, CDF, and his wife Rita for their support.

PRESENTATION ITEM (S)

1. **MOU for Pass Through Funds on Rancho Cordova Redevelopment Plan—(Nancy Miller)**

[Taken out of order prior to Action Items]

- A two-page staff report was submitted outlining a proposed Memorandum of Understanding (MOU) with the City of Rancho Cordova to codify a method for distributing “Pass Through” funds from the City’s proposed redevelopment project plan.

Based on projections, the District would experience a loss of approximately \$188 million over the 45-year term of the Project. As a result of negotiations, the agreement crafted would enable the District to recover about \$162 million in “Pass Through” revenues.

- Attorney Nancy Miller, representing the District, stated the project area is basically along Folsom Boulevard. She explained the effects of a redevelopment project on revenue. Currently the District derives about a 27% share of the property taxes in Rancho Cordova. All increases in property taxes after the date of the adoption go to the redevelopment project area subject to some minor "Pass Throughs" to the affected taxing entities. In addition to the statutory "Pass Throughs," funding was negotiated for joint capital projects to insure replacement of fire stations and provide needed personnel within the project area to mitigate the loss.

Discussion

- Other revenue opportunities include: looking at a parcel tax for new development in the growing areas of Rancho Cordova; other fees the City can impose for fire protection and emergency services.
- The redevelopment project plan currently is generic, concentrated on infrastructure type improvements, but Redevelopment agencies have the power to give subsidies for private development.
- Director Jones thanked Council Member Linda Budge and Economic Development Director Curt Haven for being present in support of the commonality that Metro and Rancho Cordova are sharing to further economic development.

OTHER ISSUES

- Director Jones addressed the following points:
 - Received a fax relative to modifications placed on agenda items without the President's approval. Reaffirmed that the Fire Chief, Senior Staff, and General Counsel have input but it is inappropriate for any single person including the entire Board to abdicate the authority and responsibility of setting the Agenda. Just wanted clarification.

President Engellenner stated that General Counsel is not setting the agenda. Due to circumstances when he was unavailable, he granted Counsel that authority. He provided clarification and stated if he is unavailable, authority will move either to the Vice President or the Board Secretary.

- The Board received no formal notification but understood there was a public information request from The Bee. Past policy and practice is that the Board is notified of the requests and the appropriate response letter is also forwarded by fax. She requested copies be distributed to the Board tonight.

Director Duveneck stated the Chair called Saturday and informed him what was transpiring and understood this would be discussed in Closed Session. He expressed disappointment that it leaked out over the weekend and hit the papers on Tuesday without Board discussion and the Board was bypassed in the process.

2. Construction Project Manager Position—(Mette/Junn)

- A two-page staff report was submitted containing a chronology of the establishment of this position, along with the job description.
- Staff needs direction to move forward on the job description previously approved by the Policy Committee and direction on filling the upcoming vacancy with the announcement of the retirement of the Project Manager.
- Fire Chief Mette stated the position was established with a three-year contract but was placed in the Resolution with the Management group as a full-time position. Earlier tonight it was mentioned folding the two positions together. Requested Board direction on the job description and position.
- Discussion included:
 - Director Granados recommended the two positions of Facilities Manager and Construction Project Manager be combined. If one person is responsible for both maintenance and construction, it results in a better product long-term.
 - Director Kelly recommended finding a strong construction manager capable of performing all the functions of Chuck Horel relative to entitlement and property acquisition if consolidation is considered. The No. 2 person in Facilities should have the ability to perform all functions of the Manager with little supervision.

Questioned the minimum of seven years experience to manage the Capital Building Program. Need to look for an exceptional individual.

- Director Jones disagreed with combining the two positions. These are two very different full-time jobs with almost a different set of skills.
 - Director Duveneck suggested analyzing the pros and cons for evaluation purposes to see if consolidation is beneficial.
 - Director Lawson requested a breakdown on the workload of the two positions and delegation of responsibility prior to consolidation for the next Policy Committee meeting. Another issue was the validity of doing the job internally versus use of trades people and providing jobs within the community.
- Fire Chief Mette stated this will be brought back to the Policy Committee.

3. Aviation Program Audit—(Mette/Holbrook)

- Postponed to the next meeting of June 14, 2006.

PRESIDENT'S REPORT—(Engellenner) None.

FIRE CHIEF'S REPORT—(Mette)

- A job offer was made for Fleet Manager to start June 1.
- Attended the Rancho Cordova City Council meeting for the Anatolia station. It passed but there was some concern on the design of the station. Agreed to discuss the future designs at the 2 x 2 Committee meeting on June 15.
- Chief Dave Baltzell is now the Acting Administration Deputy Chief.
- Theresa Whitcomb is now the Acting Finance Director.
- May 16, 2006 – attended the Legislative Action Day with Director Granados and Director Jones.
- June 19, 2006 @ 5:30 p.m. – Public hearing on the Rancho Cordova Redevelopment Project at the City Hall

- Since the last Board meeting, there were eight significant structure fires, one water rescue, two working grass fires in B-13 area.
- Operation River Safe starts this weekend with the life vests.

GENERAL COUNSEL'S REPORT—(Margarita) None.

- Board of Director Liability Information report distributed to the Board.

COMMITTEE AND DELEGATE REPORTS:

Executive Committee—(Engellenner)

- Next meeting: TBA

Communications Center Delegate—(Valley)

- Gartner Report update available to those interested.
- Next Meeting: June 27, 2006 – 10:30 AM

California Fire & Rescue Training Authority—(Goold)

- Next meeting: TBA

Finance Committee—(Kelly)

- Next meeting: June 14, 2006 – 5:00 p.m.

Policy Committee—(Lawson)

- Next meeting: June 28, 2006 – 5:00 p.m.

BOARD MEMBER QUESTIONS AND COMMENTS:

Kelly:

- Attended the Fire Recruit Graduation Ceremony last Friday evening. It was an excellent event with 22 graduates.

Duveneck:

- Wished a special and safe holiday to all the Administrative support and line staff this weekend.

Lawson:

- Thanked staff for their presentations this evening.
- Wished Chuck Horel a well-earned retirement.

Jones:

- Requested Board approval to attend the Women Building & Protecting California Conference on Saturday, June 10, 2006.
- **Board Action:**
General consensus to approve the request.
- The conference brochure says, "The women who forged the path into fire service and trades careers in the late 1970s are starting to retire" . . . She wanted to let everyone know that May 20th was her official retirement date with almost 25 years of service with the City of Sacramento.

Granados:

- Attended the Legislative Action Day with Fire Chief Mette and Director Jones. AB 2466 got out of committee due in part to our support.
- The Fire Chief for the City of Modesto complimented Fire Chief Mette and this District on the recruit academy graduation. His nephew was one of the graduates.
- Looking forward to working with Engineer Rich Stapp on the Dozer project.

Trujillo:

- Also attended the Recruit Graduation and congratulated the recruits.
- Thanked staff for their excellent reports tonight.
- Great job regarding the water rescue, Local 522 and the firefighters. He noticed in the article life vests were not worn by the people rescued. Wanted the public to know if you don't have a life jacket, it is available for use at our fire stations.
- It is fire season now and he noticed the weeds at proposed fire station 29 on Greenback are high. We have a weed abatement program and requested the Fire Chief to look at our properties where we have that issue and take care of it.
- Relative to the Sacramento Bee article, he was glad to see that it was made known that the two folks in the article were civilians and not firefighters. The men and women that wear that uniform and badge work so hard and we are 100% behind them.

RECESS TO CLOSED SESSION 8:05 PM

[Taken out of Order after Committee & Delegate Reports]

RECONVENE TO OPEN SESSION 8:48 PM

Report by General Counsel Margarita:

CLOSED SESSION GOVERNMENT CODES:**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to California Government Code Section 54956.9(a) – One (1) Case

Keith Staples vs Sacramento Metropolitan Fire District
WCAB RDG 0104668

No action.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9

No action.

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to California Government Code Section 54956.9(b):
Two (2) Cases

- a. Claim Against Public Entity Pursuant to Government Code Section 910
Linda Ostrom vs Sacramento Metropolitan Fire District

- **Board Action:**
Trujillo/Kelly—denied the claim. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.

- b. Claim Against Public Entity Pursuant to Government Code Section 910
Effie McInnis vs Sacramento Metropolitan Fire District

- **Board Action:**
Granados/Duveneck—denied the claim. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, absent. Motion carried.

ADJOURNMENT – Meeting adjourned at 8:55 p.m.

H. Peter Engellenner, President

Ray Trujillo, Secretary

Charlotte Tilson, Clerk of the Board